

United States District Court
for
the District of Nevada

**REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER**
Probation Form 49 (Waiver of Hearing) is Attached
November 12, 2018

Name of Offender: **Nadeem Everett**

Case Number: **2:18CR00151**

Name of Sentencing Judicial Officer: **Honorable Claire C Cecchi**

Date of Original Sentence: **May 22, 2012**

Original Offense: **Convicted Felon in Possession of a Firearm**

Original Sentence: **41 Months prison, followed by 36 Months TSR.**

Date Supervision Commenced: **February 7, 2017**

Date Jurisdiction Transferred to District of Nevada: **May 17, 2018**

Name of Assigned Judicial Officer: **Honorable James C. Mahan**

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

1. **Mental Health Treatment** – You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

CAUSE

On September 26, 2018, the probation office filed a petition alleging new law violations perpetrated by Everett while on supervision. Everett was brought before the Court for an initial appearance and was ordered to be placed at the Residential Reentry Center (RRC) pending a revocation hearing.

RE: Nadeem Everett

Prob12B
D/NV Form
Rev. June 2014

On October 16, 2018, all parties stipulated to a sixty (60) day continuance as Everett was going through prosecution in State court. Additionally, all parties stipulated to Everett being removed from the RRC and placed on Home Detention with Location Monitoring.


Since being placed on location monitoring, Everett has violated his terms of Home Detention multiple times. On October 23 and 25, 2018, Everett left his residence during unapproved times. While Everett did not leave the property, he admitted to stepping outside to smoke.

On November 2, 2018, Everett was permitted to attend religious services from 11 a.m. to 3 p.m. Everett went to religious services briefly, but also made unauthorized stops at two residences. Additionally, Everett did not return home until 3:21 p.m. When questioned regarding the unapproved movement, Everett denied being in any residences and claimed the car battery died and needed to be jumped. Everett did not report this to the probation office until being questioned. Although the probation office is not seeking intervention from the Court at this moment regarding the location monitoring violations, an addendum to the petition pending before this Court will be filed to reflect these violations. It will be requested the Court address these violations during the revocation hearing. Everett has been warned any additional violations of the location monitoring program will prompt our office seeking immediate intervention from the Court.

With regards to requesting a modification noted above, Everett is requesting to receive grief counseling to address issues resulting from the death of his brother. Everett has already attended Moral Recognition Therapy (MRT) through Choices and they have agreed to provide grief counseling. The Recommendation page notes Everett failing to disclose any issues relating to his brother to either the probation office or MRT clinician. However, as an intervention strategy, the probation office is agreeable to having Everett assessed for grief counseling. Everett is also in agreement with the proposed modification as witnessed by his signature on the attached Probation Form 49.

It should be noted; the probation office spoke with both the District Attorney and defense counsel regarding the state charges. Both parties reported the state charge has been negotiated. Everett will receive a Gross Misdemeanor for Conspiracy to Commit a Crime and counsel will jointly recommend credit for time served. All parties anticipate this case will be resolved at the next hearing on November 13, 2018.

Respectfully submitted,

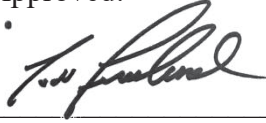

Matthew S
Martinez
2018.11.13
12:53:24 -08'00'

Matthew S. Martinez
United States Probation Officer

RE: Nadeem Everett

Prob12B
D/NV Form
Rev. June 2014

Approved:

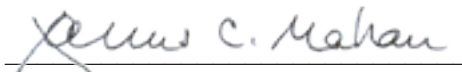


Todd Fredlund
2018.11.13 11:55:20
-08'00'

Todd J. Fredlund
Supervisory United States Probation Officer

THE COURT ORDERS

- ☐ No Action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above
- ☐ Other (please include Judicial Officer instructions below):



Signature of Judicial Officer
December 14, 2018

Date

PROB 49
(3/89)

UNITED STATES DISTRICT COURT

District of Nevada

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

Mental Health Treatment – You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

Witness

Marta [Signature]
U.S. Probation Officer

Signed

[Signature]
Probationer or Supervised Releasee

11-13-18
Date